

U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:18-cv-00394-DMR

Ecological Rights Foundation v. United States Environmental Protection Agency

Assigned to: Magistrate Judge Donna M. Ryu

Referred to: Magistrate Judge Thomas S. Hixson (Settlement)

Cause: 05:552 Freedom of Information Act

Date Filed: 01/18/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

Ecological Rights Foundation

represented by **Brian Orion**
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V.

Defendant

United States Environmental Protection Agency

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 TERMINATED: 11/07/2018

Date Filed	#	Docket Text
01/18/2018	<u>1</u>	COMPLAINT for declaratory and injunctive relief against United States Environmental Protection Agency (Filing fee \$ 400, receipt number 0971-12033786.). Filed by Ecological Rights Foundation. (Attachments: # <u>1</u> Civil Cover Sheet)(Sproul, Christopher) (Filed on 1/18/2018) (Entered: 01/18/2018)
01/18/2018	<u>2</u>	Proposed Summons. (Sproul, Christopher) (Filed on 1/18/2018) (Entered: 01/18/2018)
01/19/2018	<u>3</u>	Case assigned to Magistrate Judge Donna M. Ryu. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 2/2/2018. (cfeS, COURT STAFF) (Filed on 1/19/2018) (Entered: 01/19/2018)
01/19/2018	<u>4</u>	Summons Issued as to United States Environmental Protection Agency. (vlkS, COURT STAFF) (Filed on 1/19/2018) (Entered: 01/19/2018)
01/19/2018	<u>5</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 4/11/2018. Initial Case Management Conference set for 4/18/2018 01:30 PM. (vlkS, COURT STAFF) (Filed on 1/19/2018) (Entered: 01/19/2018)
01/19/2018	<u>6</u>	NOTICE of Appearance by Fredric Evenson <i>as counsel for Plaintiff Ecological Rights Foundation</i> (Evenson, Fredric) (Filed on 1/19/2018) (Entered: 01/19/2018)
01/19/2018	<u>7</u>	NOTICE of Appearance by Heather Rose Kryczka <i>as counsel for Plaintiff Ecological Rights Foundation</i> (Kryczka, Heather) (Filed on 1/19/2018) (Entered: 01/19/2018)
01/19/2018	<u>8</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Ecological Rights Foundation.. (Kryczka, Heather) (Filed on 1/19/2018) (Entered: 01/19/2018)

01/26/2018	<u>9</u>	NOTICE of Appearance by Molly Anna Coyne (Coyne, Molly) (Filed on 1/26/2018) (Entered: 01/26/2018)
02/23/2018	<u>10</u>	ANSWER to Complaint <i>for Declaratory and Injunctive Relief</i> by United States Environmental Protection Agency. (Reding, Ann) (Filed on 2/23/2018) (Entered: 02/23/2018)
02/26/2018	<u>11</u>	CERTIFICATE OF SERVICE by Ecological Rights Foundation (Attachments: # <u>1</u> Certificate/Proof of Service, # <u>2</u> Certificate/Proof of Service, # <u>3</u> Certificate/Proof of Service, # <u>4</u> Certificate/Proof of Service)(Kryczka, Heather) (Filed on 2/26/2018) (Entered: 02/26/2018)
02/27/2018	<u>12</u>	CLERK'S NOTICE TO DEFENDANT Re: Consent or Declination: Defendant shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . Consent/Declination due by 3/13/2018. (ig, COURT STAFF) (Filed on 2/27/2018) (Entered: 02/27/2018)
02/28/2018	<u>13</u>	MOTION for Summary Judgment filed by Ecological Rights Foundation. Motion Hearing set for 4/12/2018 11:00 AM before Magistrate Judge Donna M. Ryu. Responses due by 3/14/2018. Replies due by 3/21/2018. (Attachments: # <u>1</u> Declaration Sproul Declaration, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Exhibit 3, # <u>5</u> Exhibit Exhibit 4, # <u>6</u> Exhibit Exhibit 5, # <u>7</u> Proposed Order Proposed Order)(Sproul, Christopher) (Filed on 2/28/2018) (Entered: 02/28/2018)
03/01/2018	<u>14</u>	AMENDED CLERK'S NOTICE TO DEFENDANT Re: Consent or Declination: Defendant shall file a consent or declination to proceed before a magistrate judge. Note that any party is free to withhold consent to proceed before a magistrate judge without adverse substantive consequences. The forms are available at: http://cand.uscourts.gov/civilforms . Consent/Declination due by 3/8/2018. (ig, COURT STAFF) (Filed on 3/1/2018) (Entered: 03/01/2018)
03/06/2018	<u>15</u>	ADMINISTRATIVE MOTION Modify Briefing Schedule filed by United States Environmental Protection Agency. Responses due by 3/12/2018. (Attachments: # <u>1</u> Declaration of Elizabeth White, # <u>2</u> Declaration of Ann Marie Reding, # <u>3</u> Proposed Order)(Reding, Ann) (Filed on 3/6/2018) Modified on 3/7/2018 (cjls, COURT STAFF). (Entered: 03/06/2018)
03/08/2018	<u>16</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by United States Environmental Protection Agency. (Reding, Ann) (Filed on 3/8/2018) Modified on 3/9/2018 (jjbS, COURT STAFF). (Entered: 03/08/2018)
03/12/2018	<u>17</u>	OPPOSITION/RESPONSE (re <u>15</u> ADMINISTRATIVE MOTION Modify Briefing Schedule) filed by Ecological Rights Foundation. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Supplement, # <u>9</u> Proposed Order)(Kryczka, Heather) (Filed on 3/12/2018) Modified on 3/13/2018 (jjbS, COURT STAFF). (Entered: 03/12/2018)
03/12/2018	<u>18</u>	Order by Magistrate Judge Donna M. Ryu granting in part and denying in part <u>15</u> Administrative Motion to Change Time. The request for a stay of this action is denied. The briefing schedule for Plaintiff's Motion for Summary Judgment <u>13</u> is modified as follows: opposition due by 4/25/2018. Reply due by 5/9/2018. The court will set a hearing on the motion upon completion of the briefing. (This is a text-only entry; there is no document associated with this entry.)(dmrlc1, COURT STAFF) (Filed on 3/12/2018) Modified on 3/12/2018 (dmrlc1, COURT STAFF). (Entered: 03/12/2018)
03/27/2018	<u>19</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Kryczka, Heather) (Filed on 3/27/2018) (Entered: 03/27/2018)
03/27/2018	<u>20</u>	Certificate of Interested Entities by Ecological Rights Foundation (Kryczka, Heather) (Filed on 3/27/2018) (Entered: 03/27/2018)
04/10/2018	<u>21</u>	STIPULATION WITH PROPOSED ORDER re <u>5</u> Initial Case Management Scheduling Order with ADR Deadlines filed by United States Environmental Protection Agency. (Attachments: # <u>1</u> Declaration of Ann Marie Reding)(Reding, Ann) (Filed on 4/10/2018) (Entered: 04/10/2018)

04/11/2018	<u>22</u>	Order by Magistrate Judge Donna M. Ryu granting <u>21</u> Stipulation Continuing Initial Case Management Conference.(dtmS, COURT STAFF) (Filed on 4/11/2018) (Entered: 04/11/2018)
04/25/2018	<u>23</u>	MOTION to Dismiss for Lack of Jurisdiction , or in the Alternative, Cross Motion for Summary Judgment, and Opposition to Plaintiff's Motion for Summary Judgment filed by United States Environmental Protection Agency. Motion Hearing set for 6/14/2018 11:00 AM in Oakland, Courtroom 4, 3rd Floor before Magistrate Judge Donna M. Ryu. Responses due by 5/9/2018. Replies due by 5/16/2018. (Attachments: # <u>1</u> Declaration of Elizabeth White, # <u>2</u> Declaration Ann Marie Reding, # <u>3</u> Proposed Order)(Reding, Ann) (Filed on 4/25/2018) (Entered: 04/25/2018)
05/03/2018	<u>24</u>	MOTION for Leave to File Amended Complaint filed by Ecological Rights Foundation. (Attachments: # <u>1</u> Exhibit Exhibit 1)(Sproul, Christopher) (Filed on 5/3/2018) (Entered: 05/03/2018)
05/03/2018	<u>25</u>	Proposed Order re <u>24</u> MOTION for Leave to File Amended Complaint by Ecological Rights Foundation. (Sproul, Christopher) (Filed on 5/3/2018) (Entered: 05/03/2018)
05/09/2018	<u>26</u>	REPLY (re <u>13</u> MOTION for Summary Judgment , <u>23</u> MOTION to Dismiss for Lack of Jurisdiction , or in the Alternative, Cross Motion for Summary Judgment, and Opposition to Plaintiff's Motion for Summary Judgment) filed by Ecological Rights Foundation. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration Sproul Declaration, # <u>3</u> Exhibit Sproul Ex. 1, # <u>4</u> Exhibit Sproul Ex. 2, # <u>5</u> Exhibit Sproul Ex. 3, # <u>6</u> Exhibit Sproul Ex. 4, # <u>7</u> Exhibit Sproul Ex. 5, # <u>8</u> Exhibit Sproul Ex. 6, # <u>9</u> Exhibit Sproul Ex. 7, # <u>10</u> Exhibit Sproul Ex. 8, # <u>11</u> Exhibit Sproul Ex. 9, # <u>12</u> Exhibit Sproul Ex. 10, # <u>13</u> Exhibit Sproul Ex. 11, # <u>14</u> Exhibit Sproul Ex. 12, # <u>15</u> Exhibit Sproul Ex. 13, # <u>16</u> Exhibit Sproul Ex. 14)(Sproul, Christopher) (Filed on 5/9/2018) (Entered: 05/09/2018)
05/16/2018	<u>27</u>	REPLY (re <u>23</u> MOTION to Dismiss for Lack of Jurisdiction , or in the Alternative, Cross Motion for Summary Judgment, and Opposition to Plaintiff's Motion for Summary Judgment) filed by United States Environmental Protection Agency. (Attachments: # <u>1</u> Declaration of Elizabeth White)(Reding, Ann) (Filed on 5/16/2018) (Entered: 05/16/2018)
05/17/2018	<u>28</u>	OPPOSITION/RESPONSE (re <u>24</u> MOTION for Leave to File Amended Complaint) filed by United States Environmental Protection Agency. (Attachments: # <u>1</u> Declaration of Ann Marie Reding, # <u>2</u> Proposed Order)(Reding, Ann) (Filed on 5/17/2018) (Entered: 05/17/2018)
05/24/2018	<u>29</u>	REPLY (re <u>24</u> MOTION for Leave to File Amended Complaint) filed by Ecological Rights Foundation. (Attachments: # <u>1</u> Declaration Sproul Declaration, # <u>2</u> Exhibit Exhibit 1, # <u>3</u> Exhibit Exhibit 2, # <u>4</u> Exhibit Exhibit 3, # <u>5</u> Exhibit Exhibit 4, # <u>6</u> Exhibit Exhibit 5, # <u>7</u> Exhibit Exhibit 6)(Sproul, Christopher) (Filed on 5/24/2018) (Entered: 05/24/2018)
05/28/2018	<u>30</u>	Notice of Errata by Ecological Rights Foundation re <u>29</u> Reply to Opposition/Response, (Attachments: # <u>1</u> Exhibit 1 Corrected Proposed Amended Complaint, # <u>2</u> Exhibit 2 Reply Motion for Leave)(Kryczka, Heather) (Filed on 5/28/2018) Modified on 5/29/2018 (jjbS, COURT STAFF). Modified on 5/29/2018 (jjbS, COURT STAFF). (Entered: 05/28/2018)
06/06/2018	<u>31</u>	ORDER re June 14, 2018 Hearing. Signed by Magistrate Judge Donna M. Ryu on 6/6/2018. (dmrlc1, COURT STAFF) (Filed on 6/6/2018) (Entered: 06/06/2018)
06/14/2018	<u>32</u>	Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Motion Hearing held on 6/14/2018 re <u>13</u> Plaintiff's Motion for Summary Judgment, <u>23</u> Defendant's Motion to Dismiss, or in the Alternative, Cross Motion for Summary Judgment, and <u>24</u> Plaintiff's Motion for Leave to File Amended Complaint, all motions are denied without prejudice. ***Motions terminated: <u>13</u> Motion for Summary Judgment, <u>23</u> Motion to Dismiss, or in the Alternative, Cross Motion for Summary Judgment, and <u>24</u> Motion for Leave to File Amended Complaint. Initial Case Management Conference set for 9/5/2018 01:30 PM. Joint Case Management Conference Statement is due by 8/29/2018. Total Time in Court: 20 minutes. Court Reporter: Sarah Goekler. Attachment: Civil Law and Motion Minute Order. (ig, COURT STAFF) (Date Filed: 6/14/2018) (Entered: 06/14/2018)

06/14/2018	<u>33</u>	AMENDED Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Initial Case Management Conference held on 6/14/2018. Plaintiff's Motion for Summary Judgment <u>13</u> , Defendant's Motion to Dismiss, or in the Alternative, Cross Motion for Summary Judgment <u>23</u> , and Plaintiff's Motion for Leave to File Amended Complaint <u>24</u> are denied without prejudice. ***Motions terminated: Motion for Summary Judgment <u>13</u> , Motion to Dismiss, or in the Alternative, Cross Motion for Summary Judgment <u>23</u> , and Motion for Leave to File Amended Complaint <u>24</u> . Updated Joint Case Management Statement due by 8/29/2018. Further Case Management Conference set for 9/5/2018 01:30 PM.Total Time in Court: 20 minutes. Court Reporter: Sarah Goekler. Attachment: AMENDED Civil Conference Minute Order. (ig, COURT STAFF) (Date Filed: 6/14/2018) (Entered: 06/15/2018)
06/21/2018	<u>34</u>	NOTICE of Substitution of Counsel by Steven J. Saltiel (Saltiel, Steven) (Filed on 6/21/2018) (Entered: 06/21/2018)
08/03/2018	<u>35</u>	STIPULATION WITH PROPOSED ORDER for Plaintiff's Leave to File Amended Complaint filed by Ecological Rights Foundation and United States Environmental Protection Agency. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint)(Sproul, Christopher) (Filed on 8/3/2018) Modified on 8/6/2018 (jjbS, COURT STAFF). (Entered: 08/03/2018)
08/03/2018	<u>36</u>	Order by Magistrate Judge Donna M. Ryu granting <u>35</u> Stipulation granting Plaintiff leave to file amended complaint. Plaintiff shall e-file its amended complaint by 8/6/2018. Signed on 8/3/2018.(dmrlc1, COURT STAFF) (Filed on 8/3/2018) (Entered: 08/03/2018)
08/06/2018	<u>37</u>	AMENDED COMPLAINT against United States Environmental Protection Agency. Filed byEcological Rights Foundation. (Sproul, Christopher) (Filed on 8/6/2018) (Entered: 08/06/2018)
08/29/2018	<u>38</u>	JOINT CASE MANAGEMENT STATEMENT filed by Ecological Rights Foundation and Ecological Rights Foundation. (Sproul, Christopher) (Filed on 8/29/2018) Modified on 8/29/2018 (jjbS, COURT STAFF). (Entered: 08/29/2018)
09/05/2018	<u>39</u>	PDF with attached Audio File. Court Date & Time [9/5/2018 2:02:04 PM]. File Size [14056 KB]. Run Time [00:29:17]. (courtspeak). (Entered: 09/05/2018)
09/05/2018	<u>40</u>	ANSWER to <u>37</u> Amended Complaint by United States Environmental Protection Agency. (Saltiel, Steven) (Filed on 9/5/2018) Modified on 9/6/2018 (jjbS, COURT STAFF). (Entered: 09/05/2018)
09/05/2018	<u>41</u>	Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Further Case Management Conference held on 9/5/2018. CASE REFERRED to Magistrate Judge Thomas S. Hixson for Settlement Conference in October 2018. Updated Joint Case Management Statement due by 10/31/2018. Further Case Management Conference set for 11/7/2018 01:30 PM. See minute Order for more particulars. FTR Time: 2:02–2:31. Attachment: Civil Conference Minute Order. (ig, COURT STAFF) (Date Filed: 9/5/2018) (Entered: 09/06/2018)
09/06/2018		CASE REFERRED to Magistrate Judge Thomas S. Hixson for Settlement (ahm, COURT STAFF) (Filed on 9/6/2018) (Entered: 09/06/2018)
09/06/2018	<u>42</u>	CLERK'S NOTICE SCHEDULING TELEPHONE CONFERENCE: This case has been referred to Magistrate Judge Thomas S. Hixson for settlement conference. Upon confirming with counsel, a Pre–Settlement Conference phone call is scheduled for Wednesday, September 12, 2018 at 1:30 p.m. Counsel, Christopher Sproul and Heather Kryczka for plaintiff and Steven Saltiel, counsel for Defendant, shall call the following number: 1–888–684–8852/Access Code: 2925506. The Court will join the call at 1:30 p.m. <i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Filed on 9/6/2018) (Entered: 09/06/2018)
09/06/2018		Set/Reset Hearing re 42 Clerk's Notice,, Telephone Conference set for 9/12/2018 01:30 PM in San Francisco, Courtroom D, 15th Floor before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 9/6/2018) (Entered: 09/06/2018)

09/12/2018	<u>43</u>	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Telephone Conference held on 9/12/2018.</p> <p>FTR Time: Not Reported Total Time: 1 hour 48 minutes</p> <p>Plaintiff Attorney(s): Christopher Sproul, Esq.; Heather R. Kryczka, Esq.</p> <p>Defendant Attorney(s): Steven J. Saltiel, AUSA.</p> <p>Proceedings: Telephonic Conference re scheduling Settlement Conference. All Counsel appeared by telephone. A Final Telephonic Conference is scheduled for October 10, 2018 at 3:00 p.m., counsel shall call the following number: 888-684-8852/Access Code: 2925506.</p> <p>A Settlement Conference is scheduled for October 31, 2018 at 10:00 a.m., in Courtroom D, 15th Floor. A Settlement Conference Order will issue shortly.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 9/12/2018) (Entered: 09/12/2018)</p>
09/12/2018		Set/Reset Hearing re 43 Telephone Conference: Final Telephone Conference re settlement conference, is set for 10/10/2018 at 03:00 pm, Courtroom D, 15th Floor before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 9/12/2018) (Entered: 09/12/2018)
09/13/2018	<u>44</u>	<p>Order Setting Settlement Conference before Magistrate Judge: Settlement Conference set for Wednesday, October 31, 2018, at 10:00 a.m., in San Francisco, Courtroom D, 15th Floor, before Magistrate Judge Thomas S. Hixson.</p> <p>(Attachments: # <u>1</u> Standing Order re Settlement Conference)(rmm2S, COURT STAFF) (Filed on 9/13/2018) Modified on 9/13/2018 (rmm2S, COURT STAFF). Modified on 9/13/2018 (rmm2S, COURT STAFF). (Entered: 09/13/2018)</p>
09/13/2018	<u>45</u>	<p>CLERK'S NOTICE: Counsel, please be advised Docket Entry No. 44 has been CORRECTED, the Order filed was correct, but the Docket Entry itself contained an error. (rmm2S, COURT STAFF). Modified on 9/13/2018 (rmm2S, COURT STAFF). (Entered: 09/13/2018) <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Filed on 9/13/2018) (Entered: 09/13/2018)</p>
09/21/2018	<u>46</u>	<p>STATUS REPORT AND PLAN by United States Environmental Protection Agency. (Saltiel, Steven) (Filed on 9/21/2018) (Entered: 09/21/2018)</p>
10/10/2018	<u>47</u>	<p>CLERK'S NOTICE notifying Counsel of change in Courtroom for Settlement Conference:</p> <p>Counsel, Magistrate Judge Hixson has now been assigned a permanent courtroom. Therefore, the Settlement Conference on 10/31/2018 at 10:00 a.m., shall take place in Courtroom A, NOT Courtroom D, as stated in the Order Scheduling Settlement Conference (docket no.64). Courtroom A, is located on the 15th floor. The Court's Settlement Conference Order (docket no. 64), otherwise remains in full force in effect, except for the change re the courtroom.</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Filed on 10/10/2018) (Entered: 10/10/2018)</p>
10/11/2018	<u>48</u>	<p>Minute Entry: for proceedings held before Magistrate Judge Thomas S. Hixson: Telephone Conference re Pre-Settlement Conference held on 10/11/2018.</p> <p>FTR Time: Not Reported Total Time of Conference Call: 1 hour</p> <p>Plaintiff's Attorney(s): Heather R. Kryczka, Esq.; Christopher A. Sproul, Esq.</p>

		<p>Defendant'S Attorney(s): Steven J. Saltiel, AUSA; Kimberly Robinson, AUSA.</p> <p>Proceedings: Pre–Settlement Conference telephone call held. Court directed Plaintiff to send it's Settlement Demand to Defendant's Counsel. Defendant's Counsel to email their response to Plaintiff. Settlement Conference is scheduled for 10/31/2018 at 10:00 a.m., in Courtroom A, 15th Floor.</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.) (rmm2S, COURT STAFF) (Date Filed: 10/11/2018) (Entered: 10/11/2018)</i></p>
10/29/2018	<u>49</u>	STIPULATION WITH PROPOSED ORDER <i>Re Filing of Updated Joint Case Management Statement</i> filed by United States Environmental Protection Agency, and Ecological Rights Foundation. (Saltiel, Steven) (Filed on 10/29/2018) Modified on 10/30/2018 (jjbS, COURT STAFF). (Entered: 10/29/2018)
10/30/2018	<u>50</u>	ORDER by Judge Donna M. Ryu granting <u>49</u> Stipulation re Filing of Joint Case Management Statement. Case Management Statement due by 11/2/2018. (fs, COURT STAFF) (Filed on 10/30/2018) (Entered: 10/30/2018)
10/31/2018	<u>51</u>	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Settlement Conference held on 10/31/2018.</p> <p>FTR Time: Not Reported Total Time: 5 hours 51 minutes</p> <p>Plaintiff's Attorney(s): Christopher A. Sproul, Esq., Edward Scher, Esq., Heather Kryzcka,Esq.</p> <p>Defendant's Attorney(s): Kim Robinson, AUSA, Steven J. Saltiel, AUSA Representative Attending: Matt Schwartz, Attorney–Advisor.</p> <p>Proceedings: Settlement Conference held. Case did not Settle.</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.) (rmm2S, COURT STAFF) (Date Filed: 10/31/2018) (Entered: 10/31/2018)</i></p>
11/02/2018	<u>52</u>	JOINT CASE MANAGEMENT STATEMENT filed by Ecological Rights Foundation and United States Environmental Protection Agency. (Attachments: # <u>1</u> Exhibit 1 to JCMS, # <u>2</u> Exhibit 2 to JCMS, # <u>3</u> Exhibit 3 to JCMS, # <u>4</u> Exhibit 4 to JCMS)(Sproul, Christopher) (Filed on 11/2/2018) Modified on 11/5/2018 (jjbS, COURT STAFF). (Entered: 11/02/2018)
11/07/2018	<u>53</u>	PDF with attached Audio File. Court Date & Time [11/7/2018 1:51:12 PM]. File Size [13560 KB]. Run Time [00:28:15]. (courtspeak). (Entered: 11/07/2018)
11/07/2018	<u>54</u>	NOTICE of Substitution of Counsel by Kimberly Anne Robinson (Robinson, Kimberly) (Filed on 11/7/2018) (Entered: 11/07/2018)
11/07/2018	<u>55</u>	Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Further Case Management Conference held on 11/7/2018. Updated joint Case Management Statement due by 1/9/2019. Further Case Management Conference set for 1/16/2019 01:30 PM. See minute Order for more particulars. FTR Time: 1:51–2:19. Attachment: Civil Conference Minute Order. (ig, COURT STAFF) (Date Filed: 11/7/2018) (Entered: 11/08/2018)
12/31/2018	<u>56</u>	<i>Unopposed</i> MOTION to Stay filed by United States Environmental Protection Agency. Motion Hearing set for 1/10/2019 11:00 AM in Oakland, Courtroom 4, 3rd Floor before Magistrate Judge Donna M. Ryu. Responses due by 1/14/2019. Replies due by 1/22/2019. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration)(Robinson, Kimberly) (Filed on 12/31/2018) Modified on 1/2/2019 (jjbS, COURT STAFF). (Entered: 12/31/2018)
01/02/2019	<u>57</u>	ORDER [AS MODIFIED] by Magistrate Judge Donna M. Ryu granting <u>56</u> Unopposed Administrative Motion to Stay: The case is STAYED and shall be continued until a date after the shutdown of the federal government has ended

		<p>and relevant appropriations to the U.S. Department of Justice have been restored. The Defendant is ordered to file a request for a lift of the stay within 2 days of the cessation of the federal government shutdown and propose a new further case management conference date. (ig, COURT STAFF) (Filed on 1/2/2019) Modified on 1/3/2019 (jjbS, COURT STAFF). (Entered: 01/02/2019)</p>
01/28/2019	<u>58</u>	MOTION to Lift Stay re <u>57</u> Order on Motion to Stay,, filed by United States Environmental Protection Agency. Motion Hearing set for 2/14/2019 11:00 AM in Oakland, Courtroom 4, 3rd Floor before Magistrate Judge Donna M. Ryu. Responses due by 2/11/2019. Replies due by 2/19/2019. (Attachments: # <u>1</u> Proposed Order)(Robinson, Kimberly) (Filed on 1/28/2019) (Entered: 01/28/2019)
01/28/2019	<u>59</u>	OPPOSITION/RESPONSE (re <u>58</u> MOTION to Lift Stay re <u>57</u> Order on Motion to Stay,,) filed by Ecological Rights Foundation. (Sproul, Christopher) (Filed on 1/28/2019) (Entered: 01/28/2019)
01/29/2019	60	Order by Magistrate Judge Donna M. Ryu granting <u>58</u> Motion to Lift Stay. Case Management Statement due by 2/13/2019. Further Case Management Conference set for 2/20/2019 01:30 PM. Signed on 1/29/2019. (This is a text-only entry; there is no document associated with this entry.) (dmrlc1, COURT STAFF) (Filed on 1/29/2019) (Entered: 01/29/2019)
02/13/2019	<u>61</u>	JOINT CASE MANAGEMENT STATEMENT filed by United States Environmental Protection Agency and Ecological Rights Foundation. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Robinson, Kimberly) (Filed on 2/13/2019) Modified on 2/14/2019 (jjbS, COURT STAFF). (Entered: 02/13/2019)
02/20/2019	<u>62</u>	PDF with attached Audio File. Court Date & Time [2/20/2019 1:49:28 PM]. File Size [17808 KB]. Run Time [00:37:06]. (courtspeak). (Entered: 02/20/2019)
02/20/2019	<u>63</u>	Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Further Case Management Conference held on 2/20/2019. The parties shall meet and confer to reach an agreement on a production schedule. If they do not reach agreement by 3/1/2019, the briefing schedule set by the court on the first round of cross-motions for summary judgment will take effect (see minute Order for the schedule). This case is re-referred to Magistrate Judge Thomas S. Hixson to conduct a settlement conference to assist the parties in developing a structure and process for meeting and conferring in a productive manner about withholding issues. Further Case Management Conference set for 6/19/2019 1:30 PM; Updated Joint Case Management Conference Statement due by 6/12/2019. FTR Time: 1:49–2:26. Attachment: Civil Conference Minute Order. (ig, COURT STAFF) (Date Filed: 2/20/2019) Modified on 2/22/2019 (ig, COURT STAFF). (Entered: 02/22/2019)
02/22/2019		Set Deadline and Hearing: Updated Joint Case Management Statement due by 6/12/2019. Further Case Management Conference set for 6/19/2019 01:30 PM. (ig, COURT STAFF) (Filed on 2/22/2019) (Entered: 02/22/2019)
02/25/2019	64	CLERK'S NOTICE Scheduling Pre–Settlement Conference Telephone Call: This case has been referred for Settlement Conference to Magistrate Judge Thomas S. Hixson. A Pre–Settlement Conference Telephone Call is scheduled for 2/28/2019 at 01:30 p.m., before Magistrate Judge Thomas S. Hixson. Counsel shall be prepared to speak about the status of this case and to schedule a Settlement Conference date. Counsel shall call the following conference call number: 1–888–684–8852/Access Code: 2925506 If counsel have any questions please contact the Courtroom Deputy, Rose Maher, at 415–522–4708 or email: Rose_Maher@cand.uscourts.gov <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Filed on 2/25/2019) (Entered: 02/25/2019)

02/25/2019	<u>65</u>	<p>CLERK'S NOTICE: RESCHEDULING Pre–Settlement Conference Telephone Call:</p> <p>The Pre–Settlement Conference Telephone Call presently scheduled for 2/28/2019 at 01:30 p.m., is CONTINUED to 3/7/2019 at 1:30 p.m., before Magistrate Judge Thomas S. Hixson. Counsel shall be prepared to speak about the status of this case and to schedule a Settlement Conference date.</p> <p>Counsel shall call the following conference call number: 1–888–684–8852/Access Code: 2925506</p> <p>If counsel have any questions please contact the Courtroom Deputy, Rose Maher, at 415–522–4708 or email: Rose_Maher@cand.uscourts.gov</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Filed on 2/25/2019) (Entered: 02/25/2019)</p>
02/28/2019	<u>66</u>	STIPULATION for voluntary dismissal of Fifth Claim filed by Ecological Rights Foundation and United States Environmental Protection Agency. (Sproul, Christopher) (Filed on 2/28/2019) Modified on 3/1/2019 (jjbS, COURT STAFF). (Entered: 02/28/2019)
03/01/2019	<u>67</u>	STIPULATION WITH PROPOSED ORDER re <u>63</u> Minute Entry filed by United States Environmental Protection Agency and Ecological Rights Foundation. (Robinson, Kimberly) (Filed on 3/1/2019) Modified on 3/4/2019 (jjbS, COURT STAFF). Modified on 3/4/2019 (jjbS, COURT STAFF). (Entered: 03/01/2019)
03/04/2019	<u>68</u>	Order by Magistrate Judge Donna M. Ryu granting <u>67</u> Stipulation Regarding a Production Schedule and Vacating Summary Judgment Deadlines. Signed on 3/4/2019.(dmrlc1, COURT STAFF) (Filed on 3/4/2019) (Entered: 03/04/2019)
03/07/2019	69	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Pre–Settlement Conference Telephone Call held on 3/7/2019.</p> <p>FTR Time: Not Reported Total Time: 30 minutes</p> <p>Plaintiff Attorney: Christopher Sproul, Esq.; Molly Coyne, Esq. Representative Appearing: Eddie Scheer</p> <p>Defendant Attorney: Kimberly Robinson, AUSA</p> <p>Proceedings: Pre–Settlement Conference Telephone call held.</p> <p>A further Call is scheduled for 3/18/2019 at 10:00 a.m. Ms. Robinson alerted the Court that the EPA agency counsel, Matthew Schwarz, is available on 3/18/2019.</p> <p>Parties shall call the following Phone Number on 3/18/2019 at 10:00 a.m.: 1–888–684–8852/Passcode: 2925506</p> <p>If any questions please contact the Courtroom Deputy, Rose Maher: Email: Rose_Maher@cand.uscourts.gov/Passcode: 2925506</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 3/7/2019) (Entered: 03/07/2019)</p>
03/07/2019		Set/Reset Hearing re 69 Telephone Conference: Further Pre–Settlement Conference Telephone Call set for 3/18/2019 at 10:00 a.m., before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 3/7/2019) (Entered: 03/07/2019)
03/18/2019	70	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Pre–Settlement Conference Telephone Call held on 3/18/2019.</p> <p>FTR Time: Not Reported Total Time: 28 minutes</p>

		<p>Plaintiff Attorney: Christopher Sproul, Esq.; Molly Coyne, Esq.</p> <p>Defendant Attorney: Kim Robinson, AUSA; Matthew Schwarz, EPA counsel; Marisa Pisarick, EPA Counsel.</p> <p>Proceedings: Pre–Settlement Conference held. The following scheduled was set: Plaintiff's counsel to submit first letter to Defendant: 3/25/2019; Defendant's response due: 4/1/2019.</p> <p>Second Letter from Plaintiff to Defendant due: Last week of June. Parties are ordered to meet and confer by telephone (Court will not participate) during the week of 4/8/2019, re second letter date and response due date.</p> <p>A further Call with the Court is scheduled: 4/18/2019 at 1:00 p.m. Counsel shall call in to the following phone number: 1–888–684–8852/Passcode: 2925506</p> <p>If any questions arise please contact the Courtroom Deputy, Rose Maher: email: Rose_Maher@cand.uscourts.gov or Phone: 415–522–4708.</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 3/18/2019) (Entered: 03/18/2019)</p>
03/18/2019		<p>Set/Reset Hearing re 70 Telephone Conference: Further Pre–Settlement Conference Telephone Call set for 4/18/2019 at 01:00 p.m., before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 3/18/2019) (Entered: 03/18/2019)</p>
04/11/2019	71	<p>CLERK'S NOTICE: Rescheduling the further Pre–Settlement Conference Call with the Court:</p> <p>Due to the unavailability of counsel, the further pre–settlement call presently scheduled: 4/18/2019, is CONTINUED to 5/8/2019 at 1:30 pm.</p> <p>Counsel shall call in to the following phone number: 1–888–684–8852/Passcode: 2925506</p> <p>If any questions arise please contact the Courtroom Deputy, Rose Maher: email: Rose_Maher@cand.uscourts.gov or Phone: 415–522–4708.</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Filed on 4/11/2019) (Entered: 04/11/2019)</p>
05/08/2019	72	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Further Pre–Settlement Conference Telephone Call held on 5/8/2019.</p> <p>FTR Time: Not Reported Total Time: 28 minutes</p> <p>Plaintiff Attorney: Molly Coyne, Esq.; Christopher Sproul, Esq. EPA Counsel: Matthew Schwarz and Maria Pisarick.</p> <p>Defendant Attorney: Kimberly A. Robinson, AUSA.</p> <p>Proceedings: Counsel shall send copies of their letters to the Courtroom Deputy, Rose Maher at: Rose_Maher@cand.uscourts.gov</p> <p>A further telephone call is scheduled for: 5/21/2019 at 10:00 a.m. Call in: 1–888–684–8852/Passcode: 2925506</p> <p><i>(This is a text–only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 5/8/2019) (Entered: 05/08/2019)</p>

05/08/2019		Set/Reset Hearing re 72 Telephone Conference: Telephone Conference set for 5/21/2019 10:00 AM before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 5/8/2019) (Entered: 05/08/2019)
05/21/2019	73	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Telephone Conference held on 5/21/2019 at 10:00 a.m.</p> <p>FTR Time: Not Recorded Total Time: 1 hour 15 minutes</p> <p>Plaintiff Attorney: Christopher Sproul, Esq.; Molly Coyne, Esq.</p> <p>Defendant Attorney: Kimberly Robinson, AUSA; Agency Counsel: Matt Schwarz and Marisa Pisarick.</p> <p>Proceedings: Telephone Conference held. Government to send a letter to plaintiff memorializing which documents will be released. Plaintiff to respond to Government's letter with any follow-up questions about the documents received. Parties to meet and confer prior to the next phone conference.</p> <p>Further phone conference scheduled for: August 20, 2019 at 10:00 a.m.</p> <p>Counsel Call in number: 1-888-684-8852/Passcode: 2925506</p> <p>If any questions or problems arise counsel shall contact the Courtroom Deputy: Rose_Maher@cand.uscourts.gov</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (rmm2S, COURT STAFF) (Date Filed: 5/21/2019) Modified on 8/20/2019 (rmm2S, COURT STAFF). (Entered: 05/21/2019)</p>
05/21/2019		Set/Reset Hearing re 73 Telephone Conference: Telephone Conference set for 8/20/2019 10:00 AM before Magistrate Judge Thomas S. Hixson. (rmm2S, COURT STAFF) (Filed on 5/21/2019) (Entered: 05/21/2019)
06/06/2019	74	MOTION to Appear by Telephone <i>at Case Management Conference</i> filed by Ecological Rights Foundation. (Attachments: # 1 Proposed Order)(Sproul, Christopher) (Filed on 6/6/2019) (Entered: 06/06/2019)
06/10/2019	75	ORDER (AS MODIFIED) by Magistrate Judge Donna M. Ryu granting 74 Plaintiff's Motion to Appear by Telephone on 6/19/2019 01:30 PM Further Case Management Conference. (ig, COURT STAFF) (Filed on 6/10/2019) (Entered: 06/10/2019)
06/12/2019	76	Joint CASE MANAGEMENT STATEMENT filed by United States Environmental Protection Agency and Ecological Rights Foundation. (Robinson, Kimberly) (Filed on 6/12/2019) Modified on 6/13/2019 (jmlS, COURT STAFF). (Entered: 06/12/2019)
06/19/2019	77	Minute Entry for proceedings held before Magistrate Judge Donna M. Ryu: Further Case Management Conference held on 6/19/2019. Updated Joint Case Management Statement due by 10/9/2019. Further Case Management Conference set for 10/16/2019 01:30 PM. FTR Time: 1:32-1:49. Attachment: Civil Conference Minute Order. (ig, COURT STAFF) (Date Filed: 6/19/2019) (Entered: 06/20/2019)
07/01/2019	78	PDF with attached Audio File. Court Date & Time [6/19/2019 1:34:25 PM]. File Size [7176 KB]. Run Time [00:14:57]. (courtspeak). (Entered: 07/01/2019)
07/01/2019	79	NOTICE of Change In Counsel by Heather Rose Kryczka (Attachments: # 1 Supplement Notice of change of address)(Kryczka, Heather) (Filed on 7/1/2019) (Entered: 07/01/2019)
08/20/2019	80	<p>Minute Entry for proceedings held before Magistrate Judge Thomas S. Hixson: Telephone Conference held on 8/20/2019.</p> <p>FTR Time: Not Reported</p>

		<p>Total Time: 58 minutes</p> <p>Plaintiff Attorney: Christopher Sproul, Esq.; Molly A. Coyne, Esq.</p> <p>Defendant Attorney: Kim Robinson, AUSA</p> <p>Agency Reps: Matthew Schwarz, EPA Counsel and Marisa Pisarick, EPA Counsel.</p> <p>Proceedings: Further Telephone Conference held. Counsel to contact the Courtroom Deputy, Rose Maher, by email to schedule a further call: Rose_Maher@cand.uscourts.gov</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.) (rmm2S, COURT STAFF) (Date Filed: 8/20/2019) (Entered: 08/20/2019)</i></p>
08/28/2019	<u>81</u>	NOTICE of Substitution of Counsel by Brian Orion (Orion, Brian) (Filed on 8/28/2019) (Entered: 08/28/2019)
08/29/2019	<u>82</u>	<p>CLERK'S NOTICE: Scheduling Further Telephone call re Pre-Settlement Conference:</p> <p>A Telephone Conference set for 11/13/2019 at 1:30 PM in San Francisco, Courtroom A, 15th Floor before Magistrate Judge Thomas S. Hixson.</p> <p>Counsel shall call the following number: 1-888-684-8852/Passcode: 2925506</p> <p>Any questions shall be directed to the Courtroom Deputy, Rose Maher, by E-mail:Rose_Maher@cand.uscourts.gov</p> <p><i>(This is a text-only entry generated by the court. There is no document associated with this entry.) (rmm2S, COURT STAFF) (Filed on 8/29/2019) (Entered: 08/29/2019)</i></p>
10/08/2019	<u>83</u>	CASE MANAGEMENT STATEMENT filed by United States Environmental Protection Agency. (Robinson, Kimberly) (Filed on 10/8/2019) (Entered: 10/08/2019)